

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

TYCO HEALTHCARE GROUP LP and
UNITED STATES SURGICAL CORP.,

Plaintiffs,

v.

APPLIED MEDICAL RESOURCES CORP.,

Defendant.

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CIVIL ACTION No. 9:09CV176

JUDGE KEITH GIBLIN

JURY VERDICT FORM

Question No. 1 (Infringement of the Smith Patents)

Do you find, by a preponderance of the evidence, that Tyco and U.S. Surgical Corp. have proven that Applied's accused products infringe one or more of the asserted claims? Answer "Yes" or "No" for each claim.

	Yes	No
Claim 1 of the '377 patent	_____	<u>NO</u>
Claim 2 of the '377 patent	_____	<u>NO</u>
Claim 1 of the '702 patent	_____	<u>NO</u>
Claim 5 of the '702 patent	_____	<u>NO</u>

Please answer Question No. 2.

Question No. 2 (Invalidity—Anticipation of the Smith Patents)

Do you find that Applied has proven, by clear and convincing evidence, that one or more of the asserted claims of the Smith patents are anticipated by a single prior art reference? **Answer “Yes” or “No” for each claim.**

	Yes	No
Claim 1 of the '377 patent	<u>Yes</u>	<u> </u>
Claim 2 of the '377 patent	<u>Yes</u>	<u> </u>
Claim 1 of the '702 patent	<u>Yes</u>	<u> </u>
Claim 5 of the '702 patent	<u>Yes</u>	<u> </u>

Please answer Question No. 3.

Question No. 3 (Invalidity—Obviousness of the Smith Patents)

Do you find that Applied has proven, by clear and convincing evidence, that one or more of the asserted claims of the Smith patents would have been obvious to a person of ordinary skill in the art at the time the patent application was filed? **Answer “Yes” or “No” for each claim.**

	Yes	No
Claim 1 of the '377 patent	<u>Yes</u>	_____
Claim 2 of the '377 patent	<u>Yes</u>	_____
Claim 1 of the '702 patent	<u>Yes</u>	_____
Claim 5 of the '702 patent	<u>Yes</u>	_____

If you answered “Yes” for any claim in Question No. 1 (infringement), and answered “No” for that same claim in both Question Nos. 2 and 3 (invalidity), please answer Question No. 4.

Otherwise, please skip to the end of this verdict form and have the Jury Foreperson initial and date the form in the space provided.

Question No. 4 (Damages)

Question No. 4 has three parts. Please answer all three parts:

- A. What total amount of money do you find should be awarded as damages to Plaintiffs for the infringement that you have found? Please answer in dollars and cents.
\$ _____
- B. In answering Question No. 4(A), what, if any, amount of lost profits did you award in calculating the total amount of damages? Please answer in dollars and cents, if any. If you did not award any damages for lost profits, please write "\$0."
\$ _____
- C. In answering Question No. 4(A), what reasonable royalty damages did you award in calculating the total amount of damages? Please answer in dollars and cents.
\$ _____

Please make sure that the total of your answers in Question No. 4(B) and Question No. 4(C) equal the amount of money you found in Question No. 4(A).

Please have the Jury Foreperson initial and date this form below.

DATE 10.7.2011

INITIALS OF FOREPERSON

Original initialed by
foreperson.